

EXHIBIT 4

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration)
Hearing of:) CDC Number E-40401
MICHAEL JONES)
_____)

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

MAY 1, 2006

1:40 P.M.

PANEL PRESENT:

JACK GARNER, Presiding Commissioner
NOREEN BLONIEN, Deputy Commissioner

OTHERS PRESENT:

MICHAEL JONES, Inmate
MARY ANN TARDIFF, Attorney for Inmate
TWO CORRECTIONAL OFFICERS, Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
_____	Yes	Transcript Memorandum

Ramona Cota

Peters Shorthand Reporting

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1 P R O C E E D I N G S

2 **DEPUTY COMMISSIONER BLONIEN:** We're on
3 record.

4 **PRESIDING COMMISSIONER GARNER:** Okay,
5 this is a Subsequent Parole Consideration
6 Hearing for Michael Jones, J-O-N-E-S, CDC number
7 E like Edward 40401. The date today is May 1,
8 2006, it is 1:40 p.m. and we are located at the
9 Correctional Training Facility in Soledad. The
10 inmate was received on December 21, 1989. The
11 life term started on September 2, 1990.
12 Received from Ventura County. The offense is
13 murder in the second degree with the use of a
14 firearm. The case number is C like Charles, R
15 like Robert 24985. Count number one PC 187 and
16 12022.5. The term was 15 years to life plus 2,
17 2 years, and the minimum eligible parole date is
18 September 1, 2000. This hearing is going to be
19 tape-recorded and for purposes of voice
20 identification each of us at the table is going
21 to be required to state our first name, last
22 name, spelling the last name. And when we get
23 to you, Mr. Jones, if you'd also include your
24 CDC number. I'll start and go to my left. I'm
25 Jack Garner, G-A-R-N-E-R, Commissioner.

26 **DEPUTY COMMISSIONER BLONIEN:** I'm Noreen
27 Blonien, B-L-O-N-I-E-N, I'm a Deputy

1 Commissioner.

2 **ATTORNEY TARDIFF:** Mary Ann Tardiff, T-A-
3 R-D-I double F, attorney for Mr. Jones.

4 **INMATE JONES:** Mike Jones, J-O-N-E-S, CDC
5 number E-40401.

6 **PRESIDING COMMISSIONER GARNER:** Okay,
7 thank you. And for the record, we do have two
8 correctional peace officers in the room for
9 purposes of security. Okay, Mr. Jones and
10 Ms. Tardiff, I have a BTB (sic) 1073, this is
11 the reasonable accommodation form that you
12 signed back in October of 2004. At that time
13 you indicated you don't have a disability and
14 that other than legal representation that you
15 didn't need any help for the hearing. A little
16 bit of time has elapsed since then. Have you
17 had any conditions or anything develop that we
18 need to provide an accommodation for today?

19 **INMATE JONES:** No sir.

20 **PRESIDING COMMISSIONER GARNER:** Okay.
21 Are you on any medications?

22 **INMATE JONES:** No sir.

23 **PRESIDING COMMISSIONER GARNER:** None at
24 all?

25 **INMATE JONES:** No.

26 **PRESIDING COMMISSIONER GARNER:** Okay. So
27 we're ready to go? This hearing is being

1 conducted pursuant to Penal Code Section 3041
2 and 3042 and the rules and regulations of the
3 Board of Parole Hearings governing parole
4 consideration hearings for life inmates. The
5 purpose of today's hearing is to consider your
6 suitability for parole. In doing so we will
7 consider the number and nature of the crimes you
8 were committed for, your prior criminal and
9 social history and your behavior and programming
10 since your commitment. We have had the
11 opportunity to review your Central File and your
12 prior hearing transcript. You will be given an
13 opportunity to correct or clarify the record.
14 We will consider your progress since your
15 commitment and since your last hearing. Your
16 updated counselor's report and psychological
17 report will also be considered. And any change
18 in parole plans should be brought to our
19 attention. We will reach a decision today and
20 inform you whether or not we find you suitable
21 for parole and the reasons for our decision. If
22 you are found suitable for parole the length of
23 your confinement will be explained to you. This
24 hearing will be conducted in two phases. I will
25 discuss with you the crime you were committed
26 for, your prior criminal and social history,
27 your parole plans and any letters of support or

1 opposition that may be in the file.
2 Commissioner Blonien will discuss with you your
3 progress since your commitment, your counselor's
4 report and your psychological evaluation. Once
5 that is concluded the Commissioners and your
6 attorney will be given an opportunity to ask you
7 questions. The questions -- Excuse me. Before
8 we recess for deliberations your attorney and
9 you will be given an opportunity to make a final
10 statement regarding your parole suitability.
11 Your statement should be directed to why you
12 feel you are suitable for parole. We will then
13 recess, clear the room and deliberate. Once we
14 have completed our deliberations we will resume
15 the hearing and announce our decision. The
16 California Code of Regulations states,
17 regardless of time served a life inmate shall be
18 found unsuitable for and denied parole if in the
19 judgment of the panel the inmate would pose an
20 unreasonable risk of danger to society if
21 released from prison. Now, Mr. Jones, you had
22 certain rights. And the rights included a
23 timely notice to the hearing, the right to
24 review your Central File and the right to
25 present relevant documents. And I would ask you
26 at this time, have those rights been met, sir?

27 **INMATE JONES:** Yes sir.

1 **PRESIDING COMMISSIONER GARNER:** Okay.

2 You also have a right to be heard by an
3 impartial panel. Today the panel that you have
4 drawn is myself and Commissioner Blonien. Any
5 objections to the panel?

6 **INMATE JONES:** Excuse me. No sir.

7 **PRESIDING COMMISSIONER GARNER:** Okay.

8 You will receive a copy of our written tentative
9 decision today. It will become effective within
10 120 days and a copy of the tentative decision
11 and a copy of the transcript will be sent to
12 you. You might recall from previous Boards, in
13 May 2004 the appeal procedures changed requiring
14 you now to go through the courts. You're aware
15 of that?

16 **INMATE JONES:** Yes sir.

17 **PRESIDING COMMISSIONER GARNER:** Thank
18 you. You are not required to admit your offense
19 or discuss your offense if you do not wish to do
20 so. However, this panel does accept as true the
21 findings of the court and you are invited to
22 discuss the facts and circumstances of the
23 offense if you desire. The Board will review
24 and consider any prior statements you have made
25 regarding the offense in determining your
26 suitability for parole. And at this time I will
27 ask Commissioner Blonien if there is

1 confidential material in your C File and if
2 we'll be using it at the hearing today?

3 **DEPUTY COMMISSIONER BLONIEN:** There is no
4 information in the C File that's confidential
5 information.

6 **PRESIDING COMMISSIONER GARNER:** Okay,
7 thank you. Ms. Tardiff, is the hearing
8 checklist all okay?

9 **ATTORNEY TARDIFF:** Yes it is, sir, thank
10 you.

11 **PRESIDING COMMISSIONER GARNER:** Okay,
12 great, thanks. Okay. Beyond the documents you
13 presented to each of earlier anything else?

14 **ATTORNEY TARDIFF:** No.

15 **PRESIDING COMMISSIONER GARNER:** Okay.
16 Any preliminary objections?

17 **ATTORNEY TARDIFF:** None.

18 **PRESIDING COMMISSIONER GARNER:** And will
19 Mr. Jones be speaking with us today?

20 **ATTORNEY TARDIFF:** He will.

21 **PRESIDING COMMISSIONER GARNER:** All
22 matters?

23 **ATTORNEY TARDIFF:** Yes.

24 **PRESIDING COMMISSIONER GARNER:** Okay. If
25 I could get you to raise your right hand,
26 Mr. Jones. Do you solemnly swear or affirm that
27 the testimony you give at this hearing will be

1 the truth, the whole truth and nothing but the
2 truth?

3 **INMATE JONES:** Yes I do.

4 **PRESIDING COMMISSIONER GARNER:** Thank you
5 very much. Okay, at this time I am going to
6 read into the record a summary of the commitment
7 offense. And I am going to have to refer back
8 to the November 2003 Board since subsequent
9 Boards reference that date. And this was a
10 report that was prepared by Correctional
11 Counselor I initial W Poole, P-O-O-L-E.

12 "Michael Scott Jones lived in a
13 house with two roommates, Alex
14 Morrissey, M-O-R-R-I-S-S-E-Y, and
15 the victim, Thomas Day, D-A-Y.
16 Morrissey was -- Morrissey was to
17 house but Jones and Day had been
18 roommates for about two years.
19 Although Jones and Day were
20 friends they had fights on
21 occasion."

22 And I have it scratched out here. It says 29th
23 but it's scratched out to the 19th, which I
24 think is probably the evening before the event.
25 Is that correct?

26 **INMATE JONES:** Yes.

27 **PRESIDING COMMISSIONER GARNER:** Okay.

1 "On the evening of May 19, 1989
2 Jones spent several hours with
3 friends, describing him as being a
4 little loud but acting normal.
5 The group left the bar and went to
6 the home of Bernie, B-E-R-N-I-E,
7 Hoffard, H-O-F-F-A-R-D, who lived
8 across the street from Jones and
9 Day. A friend drove Jones to
10 Hoffard's house. On the way Jones
11 showed a revolver to the friend
12 and stated that he needed a gun
13 for protection and asked that the
14 gun not be mentioned to anyone.
15 At Hoffard's house the group
16 played cards and continued to
17 drink beer. Jones was coherent,
18 his speech was not slurred and he
19 had no problem with minor skills.
20 Although he seemed a little angry
21 and intoxicated he wasn't out of
22 control. Hoffard's brother
23 complained about the noise at
24 about three a.m. and the party was
25 moved to Jones' house across the
26 street. The card playing and beer
27 drinking continued there until Day

1 came out of his room to complain
2 about the noise. Jones told Day
3 that he paid rent too and was
4 entitled to invite people to his
5 house. Jones and Day locked arms.
6 Hoffard suggested the party move
7 back to his house but recommended
8 that Jones call it an evening and
9 stay home. Jones complied and the
10 others left. Morrissey, the third
11 roommate, heard Day tell Jones, 30
12 days and you're out of here.
13 Morrissey and several neighbors
14 heard the sounds of gunshot then
15 Day knocked on Morrissey's door
16 and asked him to call the
17 ambulance. By the time the
18 ambulance arrived Day had stopped
19 breathing and could not be
20 revived. Jones left the house and
21 took a bicycle from a neighbor's
22 garage. A police officer saw
23 Jones riding the bicycle without
24 any apparent balance problems.
25 Jones jumped off the bicycle and
26 began running when the officer
27 approached. Another officer

1 tackled Jones and a gun skidded
2 away from Jones' body. After he
3 was arrested he told police that
4 he did society a favor. Several
5 days later he told a friend that
6 he knew what he was doing and,
7 quote, the dickhead deserved it,
8 end quote."

9 Okay, Mr. Jones, that's a rather brief summary
10 of the offense. But let me ask you to start
11 things out, is that a pretty accurate version of
12 what occurred?

13 **INMATE JONES:** I need to tell you that
14 there's a lot that I don't remember from the
15 actual night because I was so intoxicated. And
16 a lot of what I do know and what I remember is
17 from reports from like what you just read and
18 other things that I've found out through
19 probation reports and the court's transcripts.
20 So if that's what they say happened I'm not
21 going to disagree with that at all.

22 **PRESIDING COMMISSIONER GARNER:** Okay.
23 Well, let me ask you then to see what levels of
24 recollection you did have. Do you remember
25 drinking on or about that date, May 19?

26 **INMATE JONES:** Yes.

27 **PRESIDING COMMISSIONER GARNER:** And at

1 that time apparently, it appears anyway from
2 here, that beer was your alcohol of choice.

3 **INMATE JONES:** That's what I usually
4 would start with, yes.

5 **PRESIDING COMMISSIONER GARNER:** And then
6 you would switch over to something a little
7 harder?

8 **INMATE JONES:** Yes.

9 **PRESIDING COMMISSIONER GARNER:** Did you
10 have choice in that?

11 **INMATE JONES:** It was either vodka or
12 rum.

13 **PRESIDING COMMISSIONER GARNER:** Okay.
14 And you were a roommate of the victim, correct?

15 **INMATE JONES:** Yes.

16 **PRESIDING COMMISSIONER GARNER:** And that
17 you were in possession of a weapon.

18 **INMATE JONES:** Yes.

19 **PRESIDING COMMISSIONER GARNER:** Do you
20 recall mentioning to the friend that drove you
21 over to Hoffard's house that you needed the gun
22 for protection?

23 **INMATE JONES:** No.

24 **PRESIDING COMMISSIONER GARNER:** You don't
25 remember that? Why did you have the gun?

26 **INMATE JONES:** You know I've tried to ask
27 myself this question over the years and there

1 really is no reason for me to have had the gun.
2 There really isn't, I've never carried a gun
3 before. That was the first time in my life.
4 And there's no good reason.

5 **PRESIDING COMMISSIONER GARNER:** Okay, do
6 you remember where you bought it.

7 **INMATE JONES:** Yeah, it was a next door
8 neighbor.

9 **PRESIDING COMMISSIONER GARNER:** And what
10 kind of gun was it?

11 **INMATE JONES:** It was a .38.

12 **PRESIDING COMMISSIONER GARNER:** What
13 barrel length?

14 **INMATE JONES:** I have no, I don't know
15 those type of things.

16 **PRESIDING COMMISSIONER GARNER:** After you
17 purchased the weapon did you ever fire it at a
18 range or target shooting or anything like that?

19 **INMATE JONES:** Yes.

20 **PRESIDING COMMISSIONER GARNER:** So you
21 knew how the gun worked?

22 **INMATE JONES:** Yeah.

23 **PRESIDING COMMISSIONER GARNER:** Okay.

24 And so you normally didn't carry the gun?

25 **INMATE JONES:** No, never.

26 **PRESIDING COMMISSIONER GARNER:** And do
27 you have any recollection why this particular

1 evening you had it?

2 **INMATE JONES:** No.

3 **PRESIDING COMMISSIONER GARNER:** Okay. Do
4 you have any recollection of an argument with
5 the victim Mr. Day?

6 **INMATE JONES:** No.

7 **PRESIDING COMMISSIONER GARNER:** None at
8 all?

9 **INMATE JONES:** No. I didn't, as far as I
10 knew Tom was out of town. I didn't even know
11 that he was back. He was, been vacationing in
12 Florida.

13 **PRESIDING COMMISSIONER GARNER:** Do you
14 have any recollection of shifting the party from
15 one side of the street to the other?

16 **INMATE JONES:** No.

17 **PRESIDING COMMISSIONER GARNER:** Okay.
18 And how long on that day had you been drinking?

19 **INMATE JONES:** We started at about noon
20 that day. And I think the crime happened at
21 like two o'clock in the morning, something like
22 that.

23 **PRESIDING COMMISSIONER GARNER:** So pretty
24 much continuously from about noon?

25 **INMATE JONES:** Yes sir.

26 **PRESIDING COMMISSIONER GARNER:** Okay.
27 And do you have any recollection of firing the

1 gun that evening?

2 **INMATE JONES:** No.

3 **PRESIDING COMMISSIONER GARNER:** You don't
4 remember any sound or anything like that?

5 **INMATE JONES:** No.

6 **PRESIDING COMMISSIONER GARNER:** Remember
7 being tackled by a police officer?

8 **INMATE JONES:** No.

9 **PRESIDING COMMISSIONER GARNER:** So let me
10 ask you, what was your first recollection after
11 this occurred?

12 **INMATE JONES:** I remember we were at a
13 like a tool convention. We left work early.
14 And we started drinking there. And then I drove
15 home. And I know I went to the first bar and
16 started drinking there. And then went from
17 there to the liquor store to get some more
18 liquor and went home. And I remember some
19 friends coming and asking if I wanted to go to
20 some other bars with them. And I said, okay.
21 And I remember going over to their house. And
22 that's about where it ends. I mean I remember
23 maybe going from one bar to the next. But other
24 than that I don't remember much. They say that
25 I went by taxi. I have no idea remembering
26 that.

27 **PRESIDING COMMISSIONER GARNER:** Okay.

1 **INMATE JONES:** I don't remember coming
2 home to go into Bernie's house to play cards.
3 And I never remember going back to my home and
4 confronting Tom whatsoever. And I know, you
5 know, it might seem like that I'm just trying to
6 avoid something here but I need to make this
7 point clear that I'm not. I generally because
8 that was the type of style drinker that I was.
9 I would just drink as hard and as fast as I
10 could to get as drunk as I could. And the
11 record shows that I was pretty intoxicated. I
12 think it's between .28 and 3, 2 of the time when
13 they took the blood test. And I just can't
14 stress enough, you know, it's not that I'm
15 trying to avoid talking about it. I take full
16 responsibility for my actions. Whatever the
17 record says is true I'm not going to dispute
18 that. But I hope you will believe me here today
19 when I tell you that I just don't remember.

20 **PRESIDING COMMISSIONER GARNER:** Okay. So
21 after this occurred at some point you either
22 woke up or you had some recollection of being in
23 jail. When was that?

24 **INMATE JONES:** I imagine that was the
25 next day.

26 **PRESIDING COMMISSIONER GARNER:** Okay.
27 And when did you first learn that Mr. Day was

1 dead?

2 **INMATE JONES:** I can't remember if it
3 was either one of the officers or it was my
4 family that came there to visit me and they told
5 me.

6 **PRESIDING COMMISSIONER GARNER:** And just
7 so you had mentioned it for the record the
8 indication is that at 6:30 a.m. your blood
9 alcohol was .26 and they did an estimate to
10 factor it back to 4:00 a.m. by putting it
11 between .28 to .31. Okay. Looks like you
12 didn't have a juvenile record at all?

13 **INMATE JONES:** No.

14 **PRESIDING COMMISSIONER GARNER:** No
15 juvenile record. And it looks like your only
16 other offense was a DUI. Is that correct?

17 **INMATE JONES:** Yeah.

18 **PRESIDING COMMISSIONER GARNER:** That one
19 resulted in some jail time and a fine. Actually
20 it, and then it looks like you also had a drunk
21 in public. But that was just to let you sober
22 up and then release you. And then you also
23 driving a motorcycle without a license. Got
24 some probation on top of that.

25 **INMATE JONES:** That's a point that if we
26 bring it up every time I don't know, I think
27 they're confusing that with the probation was

1 for the drunk driving and not the driving
2 without a license. Because I always had a
3 license. I may have not have had it on me at
4 that particular time but I think that was just
5 an error in the record there.

6 **PRESIDING COMMISSIONER GARNER:** Okay.
7 Well nothing in violence.

8 **INMATE JONES:** Exactly.

9 **PRESIDING COMMISSIONER GARNER:** Okay. So
10 far as your personal factors at the time this
11 report was written in 2003 you were 36. Have
12 you reached 39 yet?

13 **INMATE JONES:** Yeah, I'm 42.

14 **PRESIDING COMMISSIONER GARNER:** Forty-
15 two, okay so then this was even old then. June
16 7, '63 born in San Bernardino.

17 **INMATE JONES:** Correct.

18 **PRESIDING COMMISSIONER GARNER:** And
19 you're the oldest of two children. Looks like
20 your parents divorced when you were either
21 somewhere between seven and ten years of age.
22 And you kind of lived on and off with your
23 mother and father at different times?

24 **INMATE JONES:** Yes.

25 **PRESIDING COMMISSIONER GARNER:** What did
26 your folks do?

27 **INMATE JONES:** I really couldn't tell you

1 what my mother did. I don't remember. I know
2 she worked. I just don't remember what she did.
3 My father was a carpenter. And he also was a
4 captain of yachts.

5 **PRESIDING COMMISSIONER GARNER:** Did he
6 have a commercial rating?

7 **INMATE JONES:** Well I don't know exactly
8 what he had. He was a, I don't know if you're
9 aware they have what's called the TransPac Race
10 (phonetic). It's a sailboat race from here to
11 Hawaii. And the owners don't like bringing
12 their boats back because they have to go way up
13 north and it's not very pleasurable. And they
14 pay people to do that. And that's what he did.

15 **PRESIDING COMMISSIONER GARNER:** Okay.

16 **INMATE JONES:** And besides he owned his
17 own sailboat also.

18 **PRESIDING COMMISSIONER GARNER:** Okay. So
19 did you spend more time with your dad?

20 **INMATE JONES:** From about the time I was
21 15 I lived exclusively with him.

22 **PRESIDING COMMISSIONER GARNER:** Okay.
23 There's some indication that the family moved
24 around and you went to numerous elementary and
25 junior high schools?

26 **INMATE JONES:** Yes.

27 **PRESIDING COMMISSIONER GARNER:** What was

1 the nature of the moving around?

2 **INMATE JONES:** I guess that would be my
3 mom and her new husband. And then I moved to
4 Hawaii a couple of times when in between that
5 time that I lived exclusively with my dad. My
6 dad was lived in Hawaii and me and my brother
7 moved over there to go live with him for a
8 couple of years.

9 **PRESIDING COMMISSIONER GARNER:** Okay, you
10 went all the way through the eleventh grade and
11 then part of the twelfth.

12 **INMATE JONES:** Yes.

13 **PRESIDING COMMISSIONER GARNER:** What
14 happened there?

15 **INMATE JONES:** I was expelled from high
16 school.

17 **PRESIDING COMMISSIONER GARNER:** For --

18 **INMATE JONES:** I don't know what the
19 official reasons would be. I mean I don't
20 remember exactly I mean I know I had a hearing
21 and I went. And it was because it was some
22 trouble with one of the teachers there.

23 **PRESIDING COMMISSIONER GARNER:** Just not
24 getting along with the teacher or is it beyond
25 that.

26 **INMATE JONES:** Disobeying them.

27 **PRESIDING COMMISSIONER GARNER:** Okay. Is

1 that only one teacher or more?

2 **INMATE JONES:** Just one.

3 **PRESIDING COMMISSIONER GARNER:** Just one.

4 Couldn't transfer out of that class?

5 **INMATE JONES:** I asked, I asked to go to
6 a different continuation school. And they said
7 no. They --

8 **PRESIDING COMMISSIONER GARNER:** Okay, you
9 got your GED in prison in '91.

10 **INMATE JONES:** Yes.

11 **PRESIDING COMMISSIONER GARNER:** And you
12 had indicated that your father was an alcohol
13 abuser?

14 **INMATE JONES:** Yes.

15 **PRESIDING COMMISSIONER GARNER:** And any
16 other kind of abuse in the house with him?

17 **INMATE JONES:** No.

18 **PRESIDING COMMISSIONER GARNER:** Physical,
19 none?

20 **INMATE JONES:** No.

21 **PRESIDING COMMISSIONER GARNER:** Did he
22 ever abuse your mother?

23 **INMATE JONES:** Not my father, my
24 stepfather.

25 **PRESIDING COMMISSIONER GARNER:** What did
26 your stepfather do?

27 **INMATE JONES:** That would be Larry Wolfer

1 (phonetic).

2 **PRESIDING COMMISSIONER GARNER:** What did
3 he do I mean.

4 **INMATE JONES:** He used to beat my mother.

5 **PRESIDING COMMISSIONER GARNER:** Oh okay.
6 And you started using drugs and alcohol about
7 the ninth grade?

8 **INMATE JONES:** Yes.

9 **PRESIDING COMMISSIONER GARNER:** And what
10 was your choice?

11 **INMATE JONES:** I smoked marijuana and
12 later on I did a little bit of cocaine.

13 **PRESIDING COMMISSIONER GARNER:** And no
14 history of military service.

15 **INMATE JONES:** No.

16 **PRESIDING COMMISSIONER GARNER:** Ever
17 hospitalized?

18 **INMATE JONES:** No.

19 **PRESIDING COMMISSIONER GARNER:** No
20 injuries, no illness?

21 **INMATE JONES:** Broken arm.

22 **PRESIDING COMMISSIONER GARNER:** Okay.
23 And employed by the Conejo Valley Farm for five
24 years. What did you do for them?

25 **INMATE JONES:** It's Conejo Valley
26 Framing.

27 **PRESIDING COMMISSIONER GARNER:** Is it

1 framing?

2 **INMATE JONES:** Yes.

3 **PRESIDING COMMISSIONER GARNER:** That's a
4 bit of a difference.

5 **INMATE JONES:** It's a typo there.

6 **PRESIDING COMMISSIONER GARNER:** Okay.

7 **INMATE JONES:** Don't feel bad, they
8 mention that every time. I was a carpenter.

9 **PRESIDING COMMISSIONER GARNER:** Okay.
10 Were you working at the time of this offense?

11 **INMATE JONES:** Oh yeah.

12 **PRESIDING COMMISSIONER GARNER:** Okay.
13 That ought to be fun for the transcriber (loud
14 alarm blaring in the background).

15 **INMATE JONES:** I pretty much, I was
16 working since I was about 15 or 16. I became an
17 emancipated minor and so I was pretty much
18 living on my own. And I always had a job. I
19 always had to pay my own rent, food, clothes so
20 I always had a job.

21 **PRESIDING COMMISSIONER GARNER:** Okay.
22 Where did you live?

23 **INMATE JONES:** My dad like I said, went
24 and --

25 **PRESIDING COMMISSIONER GARNER:** When you
26 were on your own, excuse me.

27 **INMATE JONES:** In Camarillo, between

1 Camarillo and Oxnard.

2 **PRESIDING COMMISSIONER GARNER:** Okay, so
3 kind of down in the Ventura County area always?

4 **INMATE JONES:** Right.

5 **PRESIDING COMMISSIONER GARNER:** Okay.
6 Okay I did get some letters today that may
7 change this. But at least back at that time the
8 report was written there was an indication that
9 you wanted to live with your uncle who is up in
10 Red Bluff. And you also have a brother, Troy
11 Jones that has offered you residence. And the
12 brother is in Gardena. And that you'd like to
13 resume work as a carpenter or construction work.
14 So let's take a look and see what the letters
15 are. I'll read the ones that were in the file
16 first and then the ones that were provided by
17 Ms. Tardiff after I get those done. Okay the
18 first support letter is dated August 20, 2005.
19 It's a typed letter and it's signed by Tammy, T-
20 A-M-M-Y, Figueroa, F-I-G-U-E-R-O-A. She's in
21 Running Springs, California. First cousin to --
22 Your first cousin. Didn't grow up close to you
23 because the parents weren't close. About '90 or
24 '91 she heard that you were incarcerated,
25 saddened about what happened. Decided to write
26 you not knowing if you would know who she was.
27 And that you've corresponded for two to three

1 years. Visited a couple of times apparently
2 with your mother and then alone with a daughter.
3 And has talked with you on the phone. Speaks to
4 her of being a nurturer by nature. And speaks
5 to her having, looks like she's got a number of
6 stepsons. And a tough life as children of a
7 divorce and a verbally abusive mother. And
8 apparently she got back in contact with you in
9 2003 and got an inspiring letter back.
10 Corresponded regularly since then. Noticed the
11 changes she's seen. How much you've grown. And
12 makes some observations of positive manner over
13 the years. Your being introduced to religion.
14 Kind of letting the new man take hold. And
15 speaks to the understanding of the crime. And
16 she wishes to take full responsibility for
17 Mike's release. I'm a realtor for Century 21.
18 Started a side business rehabbing homes. Could
19 use Mike as he has skills in carpentry. My
20 husband owns his own framing business. Could
21 use him as well. Have a second home cabin in my
22 town that you could live in. They'd help you
23 get a place until you get some money. You could
24 live with them, however I guess one of their
25 kids, is it Paul that's one of their children?
26 Paul's living with them and they don't have an
27 additional room. And it won't take you any time

1 to get on your feet because you're not
2 lackadaisical. The next letter is dated
3 December 19, 2004 and this is from a Donald
4 Kuss, K-U-S-S. He's your uncle. Is writing in
5 support. Knows that you committed one of the
6 worst crimes imaginable, taking the life of
7 another human being. That you've come to
8 understand the serious nature of your offense
9 and are remorseful. Be willing to help him
10 become a good, upstanding citizen as he reenters
11 by allowing him to live with me while seeking
12 employment and a home of his own. Realize after
13 being incarcerated for so many years it would be
14 a lot of work. And I am willing to be
15 emotionally and mentally supportive as well.
16 And let's see your parole plans. Right now the
17 parole plans are, is the, are they in the order.
18 Your first choice would be the Tehama County.

19 **INMATE JONES:** No, no. Tammy would be my
20 first choice.

21 **PRESIDING COMMISSIONER GARNER:** Tammy
22 would be your first choice, all right. First
23 choice would be in San Bernardino County and
24 that was the Tammy Figueroa that we previously
25 had read the letter into the file. And that was
26 an offer of employment and housing. And the
27 second backup is the letter from Don Kuss, K-U-

1 S-S in Red Bluff, California. Also attached is
2 a resume that was dated 2006 speaking of the
3 object, summary of qualifications, work
4 experience, vocational training. We have a
5 letter that is dated February 22, 2005. This is
6 the initials C.N.C.A. 06 Bridging the Gap. It's
7 Petaluma, California. And it speaks to the
8 contact in the Red Bluff area. And they
9 forwarded a request on that in the district. It
10 should be hearing from them soon. It's a
11 committee that's set up to help fellow
12 alcoholics and recovery and transition from
13 meetings on the inside of facilities into the
14 rooms of AA and homes in the community. So this
15 was an identification of the closest AA
16 resource. And that would have been in Redding,
17 California. And a letter from Northern
18 California Inter-group of Alcoholics Anonymous,
19 Redding, California. And this is in follow up
20 to the referral. It's March 21, 2005. It's
21 signed by Michael Sawyer, S-A-W-Y-E-R. And he
22 introduces himself as the office manager.
23 Sending a copy of the meetings' schedule. And
24 also that when your life is improved drastically
25 if you're willing to put in the practice of
26 suggestions offered by the Big Book. And then
27 attached to that was the schedule of the

1 meetings for the Northern California Inter-
2 group, which includes a whole array of different
3 facilities that are located in upper northern
4 California. We have these and these look like
5 originals so we'll make sure you get these back
6 today. Let me also indicate that we did send
7 out the 3042 notices. You may recall those are
8 the legal notices that went to all of the
9 agencies that had a direct involvement in your
10 case. And there was a letter that was dated
11 April 19, 2006 from the office of the district
12 attorney from Ventura County. It's signed by
13 Gregory Totten, T-O-T-T-E-N, the district
14 attorney. Indicating basically, recommend the
15 inmate be found unsuitable for parole. And that
16 is the only, that was the only letter that was
17 contained in the file. Let me just double check
18 and see if there was one from any of the law
19 enforcement agencies other than the DA and it
20 doesn't look like it. That's the only one. So
21 at this time I'm going to ask you to direct your
22 attention to over here to Commissioner Blonien
23 who is going to talk about your post-conviction
24 factors.

25 **DEPUTY COMMISSIONER BLONIEN:** So,
26 Mr. Jones, this is your third subsequent
27 hearing. And your last appearance before the

1 Board was February 2nd of 2004 and the decision
2 was for a one year denial. There have been two
3 postponements, one September 1st of '05 and one
4 for January 3rd of '06. Both because of the
5 psych report. In one it wasn't done and the
6 other where they didn't feel it addressed the
7 questions that the '04 Panel had asked. And
8 we'll go over that. They made the
9 recommendations that you remain disciplinary-
10 free and you continue your participation in
11 self-help. Your custody level is Medium-A.
12 Your classification score is 19, which is the
13 lowest possible for a lifer inmate. So in order
14 to do this report I read your counselor's report
15 by counselor Ellison, E-L-L-I-S-O-N dated
16 12/20/05. I read the new psych report by
17 Dr. Macomber, M-A-C-O-M-B-E-R, dated January
18 14th of 2006. I've gone through your C File and
19 I've gone through the Board Report. And I note
20 that you went through the C File on 3/29/06 so
21 that was very recently.

22 **INMATE JONES:** Yes.

23 **DEPUTY COMMISSIONER BLONIE:** So you
24 probably have it memorized too. So I'm going to
25 discuss what you've been doing. And you've made
26 it so much easier even by submitting a resume of
27 your program accomplishments. And we'll have

1 some discussion on what you've done and what
2 your plans are. Since you've been incarcerated
3 you've not received a 115. And that is highly
4 difficult to do. And I respect you greatly.

5 **INMATE JONES:** Thank you.

6 **DEPUTY COMMISSIONER BLONIEN:** For being
7 able to attain that. You've had two minor
8 counseling chronos, the last one in 1992.
9 You've achieved vocational training in silk
10 screening but you really didn't need it because
11 you came in as a carpenter. And you must be
12 pretty good because IDL has had you working for
13 them, Inmate Daily Labor Program, since 1995.
14 with just a short break in, I think it was '05
15 where you were in culinary for very short time.

16 **INMATE JONES:** Yeah.

17 **DEPUTY COMMISSIONER BLONIEN:** And they
18 found a way to get you back. So your skills in
19 carpentry, painting. I hear you even have
20 skills in plumbing.

21 **INMATE JONES:** Yes, that's where we're
22 currently working on right now.

23 **DEPUTY COMMISSIONER BLONIEN:** What are
24 you doing?

25 **INMATE JONES:** We're changing all the
26 toilets over at North Facility, in all the
27 cells.

1 **DEPUTY COMMISSIONER BLONIEN:** That's a
2 big job.

3 **INMATE JONES:** Yeah it's like 1500 of
4 them. I think we've done 100 of them so far.

5 **DEPUTY COMMISSIONER BLONIEN:** Are you
6 putting stainless steel ones in.

7 **INMATE JONES:** Stainless steel. And it's
8 all new fixtures on the inside and all new pipe
9 work in the chases.

10 **DEPUTY COMMISSIONER BLONIEN:** And how
11 many of you are working on that?

12 **INMATE JONES:** It's a crew of ten.

13 **DEPUTY COMMISSIONER BLONIEN:** That will
14 take you a while.

15 **INMATE JONES:** Yeah.

16 **DEPUTY COMMISSIONER BLONIEN:** Your
17 chronos say, I looked through your C File and
18 there's several chronos about your work. But I
19 thought that this one pretty much typified what
20 your supervisors think about you.

21 "Inmate Jones was initially
22 assigned to the program as a
23 carpenter. However he's been
24 involved in several other projects
25 that require knowledge in
26 plumbing, electrical work and
27 basic constructions. Jones

1 consistently demonstrates his
2 skill and knowledge on a daily
3 basis and is always ready to lend
4 a hand either in a leadership role
5 or to simply assist in the task at
6 hand. The strong perseverance,
7 quality of work and the care and
8 use of state equipment has earned
9 him great respect with fellow
10 inmates and staff alike. Jones
11 has also been trained in lead
12 abatement. I find inmate Jones's
13 work performance and conduct on
14 the job to be above average. He
15 has proven himself to be a great
16 asset to the IDL Inmate Day Labor
17 Program and is highly recommended
18 for retention in the future."

19 And that's by Correctional Officer Hardy, H-A-R-
20 D-Y who at that time was head of the Inmate Day
21 Labor Program. And with the new systems in
22 Corrections it's hard to keep a worker --

23 **INMATE JONES:** (Coughing) Excuse me.

24 **DEPUTY COMMISSIONER BLONIEN:** -- for more
25 than two years.

26 **INMATE JONES:** Yeah.

27 **DEPUTY COMMISSIONER BLONIEN:** Because

1 there's not as many jobs as there are inmates.
2 So we like to rotate them around. So it speaks
3 highly of your qualifications that they continue
4 to write overrides and keep you in the program.
5 In terms of educational accomplishments, you got
6 your GED in 1991. And then you've been
7 currently taking college courses through
8 Coastline College. How much does each course
9 cost?

10 **INMATE JONES:** It's, I'm pretty sure it's
11 like \$28 a unit and each class is three units.
12 And it's, then you pay for the books. And those
13 vary from 50 to 100 dollars per book.

14 **DEPUTY COMMISSIONER BLONIEN:** Does your
15 family help you?

16 **INMATE JONES:** Yeah.

17 **DEPUTY COMMISSIONER BLONIEN:** That's very
18 nice of them.

19 **INMATE JONES:** Yeah.

20 **DEPUTY COMMISSIONER BLONIEN:** So far
21 you've completed and you're paying it back, it's
22 paying off. You've taken history, psychology,
23 biology, geology, US history, Introduction into
24 Communication, sociology, Succeeding in College,
25 Cinema History, health, American Government,
26 Personal Finance, Marine Science and Child
27 Development. And in all those courses you have

1 four B's, and all the rest are A's. Just
2 excellent.

3 **INMATE JONES:** Thank you.

4 **DEPUTY COMMISSIONER BLONIEN:** I wish my
5 son brought that home. In terms of therapy and
6 self-help I went back, you were in AA since '95.
7 The chrono I could find I saw something that
8 said you'd been in since '91. But whatever,
9 you've been in a long time. And have you worked
10 through the steps?

11 **INMATE JONES:** Oh yeah.

12 **DEPUTY COMMISSIONER BLONIEN:** And do you
13 know them all?

14 **INMATE JONES:** Yes.

15 **DEPUTY COMMISSIONER BLONIEN:** And how do
16 they help you?

17 **INMATE JONES:** Well I use them. You
18 know, maybe not strictly to the way that to the
19 letter that what they say. But I use them in my
20 daily life. And I know that they will always be
21 a part of my life because of my history and my
22 actions. And, you know, I was just discussing
23 this earlier of how they've helped me just deal
24 with people on a regular basis in this
25 environment that I'm living in now. You know to
26 cope with problems.

27 **DEPUTY COMMISSIONER BLONIEN:** Give me an

1 example.

2 **INMATE JONES:** Oh well, you know, maybe
3 in the past I wouldn't have been able to if
4 someone would come to me and ask me for help and
5 I may have not of wanted to give them help. But
6 now that I know I need to be of service and
7 maybe help somebody else that I can. Like I try
8 to, I've made lists of all the people that I
9 have harmed because of my actions. And
10 although, like step nine, I'm, should, they want
11 you to make direct amends to the people that
12 I've harmed. And that's the hardest step that I
13 do have because there's no way I can make direct
14 amends to Tom himself, obviously, but to his
15 family either. I've had contact with some
16 family friends of his and they've told me that I
17 shouldn't contact his mother because it would
18 just bring her more grief. That's what their
19 feeling was.

20 **DEPUTY COMMISSIONER BLONIEN:** No there's
21 sort of a formal process for that. You can
22 write a letter.

23 **INMATE JONES:** Right, right.

24 **DEPUTY COMMISSIONER BLONIEN:** And then
25 you submit it to the district attorney. And
26 then the district attorney asks if they want it
27 or not. And you may, you wouldn't even know

1 whether they accepted it or not.

2 **INMATE JONES:** Right and I don't want to
3 cause Betty or Tom or Robert any more harm than
4 I already have.

5 **DEPUTY COMMISSIONER BLONIEN:** You knew
6 them?

7 **INMATE JONES:** Yeah, I worked with Tom's
8 brother Robert. And I never really met his
9 mother. I talked to her a few times on the
10 phone but --

11 **DEPUTY COMMISSIONER BLONIEN:** She lived
12 in Florida, right?

13 **INMATE JONES:** I don't know if she lived
14 in Florida or she lived up north. She might
15 have been up north, I'm not sure.

16 **DEPUTY COMMISSIONER BLONIEN:** You've
17 taken classes in anger management, reading
18 programs, self-esteem for lifers groups. Did
19 you get in that or you're just on the waiting
20 list.

21 **INMATE JONES:** No, I have a --

22 **DEPUTY COMMISSIONER BLONIEN:** I have a
23 chrono that you're on the waiting list.

24 **INMATE JONES:** Yeah, I just had the
25 waiting list.

26 **DEPUTY COMMISSIONER BLONIEN:** But it was
27 on the, on your resume. I hadn't seen where you

1 had completed it. That's a great group.

2 **INMATE JONES:** Yeah.

3 **DEPUTY COMMISSIONER BLONIEN:** And it's
4 hard to get into. What's Legal Services for
5 Prisoners with Children?

6 **INMATE JONES:** It was a group of lawyers
7 that came in and they wanted to show prisoners
8 with children, how you could, you know, help
9 yourself to getting -- you know, depending on
10 your circumstance. If you didn't have contact
11 with your children how you could go about that.
12 What kind of rights you had, I guess, as a
13 prisoner.

14 **DEPUTY COMMISSIONER BLONIEN:** Do you have
15 children?

16 **INMATE JONES:** No I don't. I took it
17 because there was also another aspect of just
18 some, of resources that they were going to
19 provide everybody. But that's just the official
20 name of the group.

21 **DEPUTY COMMISSIONER BLONIEN:** You
22 participated in the teddy bear drive, which is a
23 great program here.

24 **INMATE JONES:** Yeah.

25 **DEPUTY COMMISSIONER BLONIEN:** You did
26 Dr. Gordon's Family Effectiveness Training,
27 numerous anger management workshops. You

1 completed the IMPACT program. And you've done
2 -- You've done over 100 educational video
3 reports. I saw the chrono. And those are on
4 all different topics.

5 **INMATE JONES:** Yeah.

6 **DEPUTY COMMISSIONER BLONIEN:**

7 Participated in peer education with the sexual
8 transmitted diseases, self-help, life skills
9 program, the children's holiday festival from
10 '01 to '04. Did they not do it this year?

11 **INMATE JONES:** Yeah, they did it. Yeah,
12 they said it was the best one ever.

13 **DEPUTY COMMISSIONER BLONIEN:** And
14 entrepreneurship, business principles. So
15 you've done a lot in terms of keeping yourself
16 busy, both by working and by improving yourself
17 by using self-help. So I'm sure your college
18 courses keep you pretty busy.

19 **INMATE JONES:** Yeah.

20 **DEPUTY COMMISSIONER BLONIEN:** In your
21 free time, correct?

22 **INMATE JONES:** Every day I have to study.

23 **DEPUTY COMMISSIONER BLONIEN:** And it
24 probably doesn't give you a chance to do any
25 independent self-help other than that at the
26 moment. Are you reading anything in addition to
27 your college courses?

1 **INMATE JONES:** I try to read novels but I
2 really haven't had the time because of my
3 studies. You know, I pick up the newspaper or a
4 magazine and peruse that or any kind of self-
5 help books. I like reading those just in-
6 between to break up the monotony of just
7 studying.

8 **DEPUTY COMMISSIONER BLONIEN:** And do you
9 study the law?

10 **INMATE JONES:** No, that's one area I
11 don't do. I don't have a knack for it. It's
12 kind of confusing, a lot of it. I've been to
13 the law library and I've looked at it before to
14 help myself out with my appeals or whatever.

15 **DEPUTY COMMISSIONER BLONIEN:** Anything
16 else that you've been doing that we haven't
17 discussed?

18 **INMATE JONES:** Just another anger
19 management class that I'm currently enrolled in.
20 I mean, there wouldn't be any paperwork on that
21 because I'm currently in it.

22 **DEPUTY COMMISSIONER BLONIEN:** The last
23 panel in '04 asked for a psych report that dealt
24 with assessing your violence potential in the
25 community. Whether you've explored your
26 commitment offense, the need for further self-
27 help, whether or not you did have a blackout at

1 the time of the commitment offense and have you
2 come to terms with the commitment offense. And
3 Dr. Macomber had a long interview with you and
4 talked about the different aspects of the
5 questions. And he noted in terms of your
6 assessment of dangerousness that your excellent
7 work ethic, total sobriety, a good understanding
8 of the dangerousness of any use of alcohol and
9 you have good judgment. In comparison to the
10 average inmate population your potential for
11 dangerousness is below average. And considering
12 for potential of dangerous behavior if released
13 on parole to the community he administered the
14 Level of Service Inventory Revised and notes
15 that it's an actuarial measurement that assesses
16 criminal history, substance abuse history,
17 vocational achievement, current adjustment as
18 well as other factors to determine your risk
19 level. And your score was 4.2, which means that
20 if 100 men were released to parole you would do
21 better than 95 of them. And as a result he
22 referred back to Dr. Sexton's (phonetic) psych
23 report from '05 and stated that he does not pose
24 a risk to society any greater than the average
25 citizen. With the caveat that alcohol
26 dependence was definitely a risk factor in the
27 commitment offense. If Mr. Jones ever went back

1 to drinking his risk level would increase.
2 However, at this point in his life it appears to
3 have very low probability. And one of the
4 evidentiary items is that you haven't ever had a
5 disciplinary or a dirty test or a 115 while in
6 prison with anything to do with alcohol or drugs
7 or stimulants. And Dr. Macomber noted, and we
8 all know, that there is alcohol available in the
9 institution. That those who choose to drink it
10 or make it, that it is there. In terms of
11 exploring your commitment offense, how do you do
12 that when you don't remember it?

13 **INMATE JONES:** That's a good question,
14 you know. All I can do is discuss aspects that
15 I think may have happened to me. You know, what
16 led up to these things. I've discussed them
17 with the psychs like that and tried to cope with
18 it and discuss it in my therapy groups and, you
19 know, in my AA program. You know, that's about
20 all I can say.

21 **DEPUTY COMMISSIONER BLONIEN:** The person
22 that you were that committed this offense and
23 killed one of your good friends. How did all
24 that anger get in you that you could take the
25 life of a friend?

26 **INMATE JONES:** That's a good question.
27 You know, I've tried to address that to myself

1 many a times. I just don't know how, you know,
2 what set me off to do that. All I can say is
3 that maybe the -- I'm not blaming the alcohol
4 but I know it was a big factor. That maybe it,
5 you know, loosened up my inhibitions to be able
6 to do something like that. Not that I'm saying
7 that it's right or, you know, that that's what
8 the cause was. I just didn't have the coping
9 mechanisms back -- that I have now to be able to
10 deal with, you know, frustrations or anger. And
11 being able to address issues that was, whatever
12 the issue that caused me to do what I did, you
13 know.

14 **DEPUTY COMMISSIONER BLONNIEN:** When you
15 read about that person who was in the back of
16 the police car raging and even commending
17 himself for doing the shooting. I mean, you're
18 the only person here who knew that person. We
19 don't know what you were like. Would you have
20 ever guessed that you were on the road to this
21 vicious crime?

22 **INMATE JONES:** No, no. I mean, I
23 probably could tell you that I knew I had a
24 problem with drinking but never with that level
25 of anger.

26 **DEPUTY COMMISSIONER BLONNIEN:** Did you
27 know you had a problem with your roommate? Had

1 you had other problems with him?

2 **INMATE JONES:** Nothing more than, you
3 know, just the typical disagreements over, you
4 know.

5 **DEPUTY COMMISSIONER BLONNIEN:** He didn't
6 steal your girlfriend or anything like that?

7 **INMATE JONES:** No.

8 **DEPUTY COMMISSIONER BLONNIEN:** No?

9 **INMATE JONES:** No. He didn't like my
10 girlfriend but, you know.

11 **DEPUTY COMMISSIONER BLONNIEN:** And you
12 didn't work with him.

13 **INMATE JONES:** No.

14 **DEPUTY COMMISSIONER BLONNIEN:** And this is
15 just a situation where there were three
16 independent roommates in an apartment. You
17 weren't high school friends or anything like
18 that?

19 **INMATE JONES:** No.

20 **DEPUTY COMMISSIONER BLONNIEN:** But you had
21 been living there a long time.

22 **INMATE JONES:** Yeah, I lived with him for
23 a couple of years.

24 **DEPUTY COMMISSIONER BLONNIEN:** And, you
25 know, exploring whether you had a blackout or
26 not. I mean, all they can do is ask you and you
27 don't, you don't remember.

1 **INMATE JONES:** I don't remember that
2 particular instance but I could tell you it
3 wasn't the first time that I ever had a
4 blackout. I mean, I could always -- I mean --

5 **DEPUTY COMMISSIONER BLONIEN:** Let me turn
6 the tape.

7 (The tape was turned over.)

8 **DEPUTY COMMISSIONER BLONIEN:** Okay, we're
9 back on tape and we're talking about blackouts.
10 What is a blackout?

11 **INMATE JONES:** A temporary loss of
12 recollections of your actions, you know. I
13 imagine it could be losing consciousness also
14 but that's not what I did.

15 **DEPUTY COMMISSIONER BLONIEN:** You said
16 temporary.

17 **INMATE JONES:** Yeah.

18 **DEPUTY COMMISSIONER BLONIEN:** So do you
19 get back that memory?

20 **INMATE JONES:** Well, I mean temporary as
21 in that moment. You don't remember that moment.

22 **DEPUTY COMMISSIONER BLONIEN:** Okay.

23 **INMATE JONES:** Not that you totally lose
24 your memory. Because I've had other instances
25 of the exact same thing. People would come up
26 to me in the morning and go, you know you did
27 this last night and you did that and I'd have no

1 recollection of it.

2 **DEPUTY COMMISSIONER BLONIEN:** And your
3 statements. The doctor talks about he
4 questioned you. You had a visitor in jail and
5 you told the visitor that you remembered the
6 shooting but that you told the doctor you were
7 lying to the visitor. Why would you do that?
8 Why wouldn't you say right away, I don't
9 remember?

10 **INMATE JONES:** I'm not clear on what
11 you're asking me.

12 **DEPUTY COMMISSIONER BLONIEN:** You had a
13 visitor in jail. The doctor talked to you about
14 a visitor that you had had in jail.

15 **INMATE JONES:** Yes.

16 **DEPUTY COMMISSIONER BLONIEN:** And you had
17 told the visitor that you had shot and recounted
18 what happened.

19 **INMATE JONES:** Why would I tell the
20 visitor that?

21 **DEPUTY COMMISSIONER BLONIEN:** Yeah.

22 **INMATE JONES:** The only thing that I've
23 come up with is it's just a way of coping with
24 what I had done, you know. I was still probably
25 angry. I had realized what had happened, you
26 know. The grave nature of what was going on.

27 **DEPUTY COMMISSIONER BLONIEN:** And what

1 was going to happen to you.

2 **INMATE JONES:** Exactly. And maybe that
3 was a way of coping with and dealing with and
4 realizing what I had done, you know. Taking the
5 life of my friend.

6 **DEPUTY COMMISSIONER BLONIEN:** And you go
7 on to say that -- The doctor says that you do
8 accept total responsibility though. Claiming
9 that you were the only one who could have shot
10 him and that he was, that you were to accept
11 responsibility for this offense along with the
12 consequences. Did you have a jury trial?

13 **INMATE JONES:** Yes.

14 **DEPUTY COMMISSIONER BLONIEN:** A jury
15 trial?

16 **INMATE JONES:** A jury trial.

17 **DEPUTY COMMISSIONER BLONIEN:** And then he
18 talks about:

19 "Regarding the question of whether
20 Mr. Jones will drink alcohol in
21 the future. He stated that his
22 alcoholism resulted in his actions
23 in which he shot and killed his
24 roommate. As a result he has
25 developed deep-seated antipathy
26 and revulsion toward alcohol. He
27 noted that alcohol is very much

1 available in the institution. If
2 he wanted to drink he said he had
3 access to it. The fact that he
4 has remained clean and sober now
5 for 17 years is evidence of his
6 maturity, self-control and
7 determination to remain clean and
8 sober. Mr. Jones continues to
9 attend AA on a regular basis and
10 he stated that this is going to be
11 a lifelong activity for him, even
12 when released on parole."

13 So with that I am going to return it back to the
14 Chair.

15 **PRESIDING COMMISSIONER GARNER:** Any
16 contact with your family?

17 **INMATE JONES:** Oh yeah.

18 **PRESIDING COMMISSIONER GARNER:** Visits?

19 **INMATE JONES:** Yes.

20 **PRESIDING COMMISSIONER GARNER:** Who do
21 you get visits from?

22 **INMATE JONES:** I haven't had one in a
23 while because my mother lives in Arizona and my
24 father and brother live way down south. So I
25 haven't had one from them for awhile. But my
26 mother and my cousin Tammy are the ones that
27 have been visiting me. And my uncle, uncle Don.

1 **PRESIDING COMMISSIONER GARNER:** Letters?

2 Who are you in contact with?

3 **INMATE JONES:** Yeah, I write them all the
4 time.

5 **PRESIDING COMMISSIONER GARNER:** Phone
6 calls?

7 **INMATE JONES:** Yeah.

8 **PRESIDING COMMISSIONER GARNER:** You were
9 involved in the trades at the time of this
10 commitment offense. What happened to your
11 tools?

12 **INMATE JONES:** As far as I know my
13 employer, he just kept them.

14 **PRESIDING COMMISSIONER GARNER:** Okay. So
15 you don't have tools that any family member kept
16 for you?

17 **INMATE JONES:** No.

18 **PRESIDING COMMISSIONER GARNER:** Have you
19 ever been offered any inmate-manufactured
20 alcohol while here?

21 **INMATE JONES:** Yeah, sure.

22 **PRESIDING COMMISSIONER GARNER:** So you
23 know it's available.

24 **INMATE JONES:** Oh yeah.

25 **PRESIDING COMMISSIONER GARNER:** Did you
26 have any trouble declining?

27 **INMATE JONES:** No, no, none whatsoever.

1 Most people know that I don't want it and so --
2 It may have been a long time ago that they
3 offered it to me but I just don't associate with
4 anybody that drinks that. I mean, you could
5 smell it but I have no desire ever to drink
6 again. I mean, if taking the life of my friend
7 doesn't tell me that I need to not drink. If
8 that doesn't teach me a lesson I don't know what
9 will.

10 **PRESIDING COMMISSIONER GARNER:** Okay,
11 thank you. Any follow-up questions?

12 **DEPUTY COMMISSIONER BLONIEN:** You said
13 you were coming back from a tool convention.
14 Then I thought you were fired from your job and
15 that was one of the reasons you were distraught.
16 How does that fit in?

17 **INMATE JONES:** Well, that's one of the
18 things that I've learned since then is that the
19 boss told me not, not that I was fired but to
20 take some time off. Because I guess I was so
21 agitated at work because of events leading up
22 to --

23 **DEPUTY COMMISSIONER BLONIEN:** So you were
24 agitated because of your girlfriend. Now if you
25 go out you could get another girlfriend and they
26 could still agitate you. How would you cope?

27 **INMATE JONES:** Well, I have learned

1 coping mechanisms now to be able to deal with
2 and discuss problems that may arise and not let
3 my anger or my emotions run wild.

4 **DEPUTY COMMISSIONER BLONIEN:** That's all
5 I have.

6 **PRESIDING COMMISSIONER GARNER:** Okay.
7 Ms. Tardiff, any questions?

8 **ATTORNEY TARDIFF:** No.

9 **PRESIDING COMMISSIONER GARNER:** You want
10 to go ahead and close then?

11 **ATTORNEY TARDIFF:** Thanks. In terms of
12 Mr. Jones' pre-incarceration history, for the
13 most part I believe it is favorable and
14 supportive of a release. I know he didn't
15 graduate from high school and he came from
16 probably a dysfunctional family, divorce,
17 alcoholism. But his work skills and his work
18 history were very stable. Which I think shows a
19 lot because we see a lot of inmates in here that
20 some have never even worked prior to
21 incarceration. So he had a stable work history.
22 And his criminal history was insignificant,
23 alcohol-related only. Which not to minimize it,
24 but there was no violence in his background.
25 And to add on to that there has been no violence
26 since the time of the commitment offense either.
27 In terms of what he's done since he's been

1 incarcerated I think that we all can agree he's
2 done a great job. And I'm not going to belabor
3 what's already been gone into but we know he's
4 got a GED, excellent college grades. A lot of
5 self-help, a lot of AA, 12 steps, knows his
6 steps, works his steps. A lot of reading of
7 self-help books. Anger management, his work
8 skills are admirable. Laudatory chronos, which
9 shows that he's a very good and well thought of
10 worker. A lot of that has already been gone
11 into and the fact that he's been IDL since '95,
12 which shows the value of his work skills. He
13 has never received a 115. We all know that's
14 remarkable. He's only had two 128s, the last
15 one was in '92. So his post-incarceration
16 history is obviously supportive of a release
17 date. His parole plans, contrary to the
18 district attorney's letter, are viable and
19 supportive of release. He's sought out the AA
20 meetings, where they'll be, asked for a sponsor.
21 A lot of support there. He's got a letter from
22 his cousin, Tammy, which is extremely supportive
23 of him. Gives him a job as well as housing.
24 Goes into her Christianity and the fact of
25 inspiring letters she's received from him.
26 Proud of the changes I have seen in Mike over
27 the years, he has grown so much. How his

1 thought processes have progressed in such a
2 positive manner over the years. Introduction to
3 Religion from someone I believe -- I know he has
4 been introduced to religion from someone, I
5 believe, in prison. I don't know if it's just
6 this or if it has been his schooling. Or just
7 an overall giving up of the quote, old man, end
8 quote and letting the quote, new man, end quote,
9 take hold. The district attorney's letter, I
10 really wish the district attorney would attend
11 these hearings, particularly in this case.
12 Because some of the things I think they would
13 learn at the hearing. Particularly they make
14 light of his work skills and they're probably
15 not aware of the IDL and the long-term
16 employment. They address the psych eval and it
17 says that the resulting report is poorly
18 reasoned and defies common sense, and I'll go
19 into that in a minute. Then they say he has no
20 firm offers of employment. Well he does. It
21 says, his success on parole will be determined
22 in large part by a comprehensive, long-term plan
23 which includes a vocation and a support system.
24 Well he has a vocation, he's got a very good
25 vocation, and he has a support system. And then
26 it goes on to state, it does not appear that the
27 inmate has made an effort to secure either of

1 these safeguards. So I don't, you know, it's
2 ludicrous their opposition. His psych evals
3 have been positive and supportive of release
4 since, well I went back ten years. 1996 he's
5 had very good psych evals. His most recent
6 states that he has deep feelings of remorse at
7 the death, at the victim's death at his hand.
8 He accepts total responsibility. His feelings
9 of remorse appear to be sincere. And then going
10 into whether or not long-term use, the alcohol
11 use. What effect that probably had on his
12 memory, an extensive history of severe
13 alcoholism. This extensive use of alcohol does
14 cause brain damage and loss of cognitive
15 abilities. A person with an extensive history
16 of alcohol use can learn to walk, talk and
17 function in a way that appears normal, though
18 he's quite intoxicated. And that's I think
19 addressing the way he was acting on the night of
20 the commitment offense and riding the bicycle as
21 if he wasn't intoxicated. I think we all know,
22 have known people here in our lives that they go
23 out and they drive drunk all the time and they
24 never get busted because they're always driving
25 drunk. And I think that's in essence what this
26 is saying. Is you get so used to functioning
27 while being intoxicated that you appear like

1 you're not. And then it goes on to say, this
2 might explain why he was able to ride a bicycle
3 even while intoxicated. The expert -- They
4 testified at his trial that his level of alcohol
5 substantially, the amount he had would
6 substantially impair someone's judgment,
7 perceptions and the ability to control impulses
8 and emotions. And it concludes that, in this
9 writer's opinion due to the history of alcoholic
10 blackouts, due to the history of extreme alcohol
11 dependency, also due to the extreme emotional
12 state associated with the fistfight and the
13 argument with the inmate, it is very possible
14 that he does not remember the details of this
15 offense. It goes into the risk factors. That
16 the risk factor obviously is the return to the
17 use of alcohol. That he has developed a deep-
18 seated anti-, I'm not sure what the, -pathy
19 (antipathy) and revulsion towards alcohol. And
20 then they go into the fact he hasn't had any
21 115s. He's been clean and sober for 17 years,
22 gone to AA on a regular basis. And it concludes
23 that based on his excellent work ethic, total
24 sobriety, a good understanding of the
25 dangerousness of any use of alcohol and he has
26 good judgment that his potential if released
27 into the community is very low. And that the

1 alcohol dependency appears to be a very low
2 probability in terms of a risk factor. He has
3 made excellent use of his institutional time.
4 Several valid and current job offers and good
5 family support. He has changed over his years
6 of incarceration. He no longer is the
7 irresponsible, immature, drunken individual that
8 he was at the time of the commitment offense. I
9 believe he would maintain these gains when he is
10 released on parole. The prognosis for success,
11 for adjustment to the community is excellent.
12 In '05 he also had a psych eval and that was
13 done by Dr. Marek, M-A-R-E-K. It states, due to
14 his substantial AA programming he is a much
15 lower risk for returning to drugs or alcohol.
16 He is also unlikely to ever again commit any
17 violent, irrational acts. And then in '03, the
18 one that's referred to in his most current psych
19 eval, states under diagnostic impressions, his
20 alcohol abuse is in full remission. He had a
21 high GAF score of 90. He indicated how
22 remorseful he was for the death of his friend.
23 His level of dangerousness is average compared
24 to the general community population. That the
25 risk factor would be the use of alcohol and this
26 appears to be a low probability at this time.
27 In '99 he also received a favorable psych eval.

1 It states he should have a very good prognosis
2 for living in the community. His insight and
3 judgment appear to be much better now than when
4 he was using drugs. His crime was, of course, a
5 direct result of his inebriated condition. He
6 has a very good record with the CDC and it is
7 expected he will continue. He seems determined
8 never to drink again. He does not seem to be at
9 this time a significant risk for violence
10 against anyone. He is intelligent, rational and
11 seems ready to take his place as a responsible
12 citizen in society. And Dr. Bakeman, B-A-K-E-M-
13 A-N, who wrote the '99 eval states, I have known
14 inmate Jones for several years. He is an
15 intelligent and thoughtful individual who seems
16 intent on improving himself in a number of
17 different ways. He has a low potential for
18 returning to a life of violence, drinking or
19 disorderly conduct. I recommend that the Board
20 of Prison Terms seriously consider him for a
21 parole date because he seems ready to become a
22 responsible citizen. And then all the way back
23 to '96. He should be able to maintain the gains
24 he has made. If he's considered for parole his
25 level of dangerousness is likely to be less now
26 than the average inmate. I definitely think
27 that Mr. Jones is ready to be released. That

1 he's done everything he can do to make himself
2 ready, to make him not a danger to society. I
3 think this is truly one of those crimes where
4 the alcohol abuse was the precipitating factor
5 of the crime and also his inability to deal with
6 his anger. He's taken anger management. He's
7 learned how to cope with life today through the
8 skills he's learned. And I submit at this time
9 that Mr. Jones is in fact suitable for parole.
10 Also there was one other letter here from the
11 Buddhist Meditation Studies that, regarding his
12 commitment to that program as an additional way
13 of helping him deal with stress and coping and
14 self-help. Thank you.

15 **PRESIDING COMMISSIONER GARNER:** All
16 right, thank you. Mr. Jones, this is your
17 opportunity if you'd like to address the panel
18 as to why you think you're suitable for parole.

19 **INMATE JONES:** Okay, thank you, yes. I
20 think I'd appreciate it very much if you would
21 find me suitable today. I know you have
22 concerns over my drinking and I would just like
23 to put your minds at rest to that. That will
24 never happen again, you know. I know that's a
25 major concern and I take responsibility for
26 that. I can only hope that you see that I have
27 made the efforts. I know that it's more readily

1 available out on streets than it is in here but
2 I think I've demonstrated that, you know, I
3 haven't done the things that, you know, someone
4 that would drink in here and it would carry over
5 to there. I just don't know how to stress that
6 enough, that AA will definitely be a big part of
7 my life, whether I'm in here or out on the
8 streets. I'd like you to know that I no longer
9 pose a threat to this community. I would
10 definitely like to have an opportunity to prove
11 that to this good panel here, the people of the
12 community and to Tom's family, my own included.
13 To show that I'm a different man, that I'm not
14 the man that I was in 1989. That I have now
15 learned many ways to deal with problems. To
16 discuss them, to cope with stress in a peaceful
17 manner now and not, you know, let the anger or
18 my emotions get the better of me. And I know
19 that the alcohol, without the alcohol it's a way
20 better situation. I'd just like to get the
21 chance once again to be a productive member of
22 the community. And I'd like you to know I'm
23 very sorry for wasting everybody's time here
24 today. And sorry mainly, especially to Tom
25 because what I did was wrong. And I know I
26 can't bring him back but I'd give anything to,
27 you know, show Tom that I am a different man.

1 That I'm not the same guy that he knew. That's
2 it, thank you.

3 **PRESIDING COMMISSIONER GARNER:** Thank
4 you. It's now 2:45 p.m. and we will recess for
5 deliberations.

6 **INMATE JONES:** Okay.

7 **R E C E S S**

8 **--oOo--**

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER BLONIEN: We are back
4 on record.

5 PRESIDING COMMISSIONER GARNER: All
6 right, it is now 3:14 p.m. in the matter of
7 Michael Jones, CDC E Edward 40401. Mr. Jones,
8 the panel has reviewed all the information
9 received from the public and relied on the
10 following circumstances in concluding that you
11 are suitable for parole and would not pose an
12 unreasonable risk of danger to society or a
13 threat to public safety if you were released
14 from prison. So --

15 INMATE JONES: Thank you, thank you,
16 thank you very much, thank you.

17 PRESIDING COMMISSIONER GARNER: Okay,
18 listen up, this is -- You're just starting on a
19 new path.

20 INMATE JONES: Thank you.

21 PRESIDING COMMISSIONER GARNER: What
22 we're going to do is try to get a record that
23 will stand some scrutiny because lots of people
24 are going to be looking at this.

25 INMATE JONES: Yes sir.

26 PRESIDING COMMISSIONER GARNER: Okay, the

27 MICHAEL JONES E-40401 DECISION PAGE 1 05/01/06

1 panel also noted that you had no juvenile record
2 of assaulting others. In fact, you had no
3 juvenile record at all. That other than the
4 issue of alcohol you did have a stable social
5 history. You were gainfully employed and
6 working. Unfortunately the alcohol was the
7 instability in your life. You basically -- The
8 panel concluded you were a functioning
9 alcoholic. But while you have been in prison
10 you have enhanced your ability to function
11 within the law upon release through
12 participation in educational programs. You
13 completed your GED, you're attending Coastline
14 College. As Commissioner Blonien noted you're
15 getting A's in the classes. That so far as your
16 self-help program, she is able to identify that
17 you have been an active member of AA since '95.
18 There's indications going back to '91 but we're
19 going to use '95 since we can determine that and
20 verify it. You have also done three anger
21 management courses, you have participated in the
22 IMPACT program. And also for the record we did
23 read the letter that was prepared by Hugh
24 Macmillan, M-A-C-M-I-L-L-A-N, the coordinating
25 teacher for Buddhist Meditation Studies at CTF
26 and this is dated 2007 (sic), a very favorable
27 **MICHAEL JONES E-40401 DECISION PAGE 2 05/01/06**

1 letter with respect to your participation in the
2 Buddhist Meditation Studies. So far as your
3 vocational programs you have completed silk
4 screening. But I think more importantly your
5 institutional job assignments that you've been
6 on, the Inmate Day Labor program since 1995 and
7 have gained some significant experience. I
8 think on the record you had indicated that
9 you're in the process of remodeling a rather
10 extensive number of bathrooms in one of the
11 units here. The panel noted that the offense
12 was committed as a result of some significant
13 stress in your life at the time. And it was the
14 intense use of alcohol, to the point where, as
15 indicated in a couple of the psychologists'
16 reports, that the issue of blackouts was not an
17 unexpected consequence of the degree of alcohol
18 consumption that you were involved in. And
19 because of your maturation, growth, greater
20 understanding and your advanced age it's reduced
21 the probability of recidivism. The panel noted
22 you do have realistic parole plans, which
23 include a job offer and family support. You
24 have a cousin that's offering housing support
25 and a job. Also you do have backup plans that
26 are offering the same thing. You've maintained
27 **MICHAEL JONES E-40401 DECISION PAGE 3 05/01/06**

1 close family ties while in prison via letters,
2 visits and phone calls. You had indicated
3 visits from your uncle, your mother, your
4 cousin, letters and phone calls with them being
5 the most likely people to stay in contact with.
6 That you have maintained positive institutional
7 behavior, which indicates a significant
8 improvement in your control. That you have had
9 no 115s during your entire period of
10 incarceration. You have only had two 128s, the
11 last in 1992, and neither of those were
12 associated with anything other than behavior. I
13 think the last was a failure to follow an order
14 or something such as that. And I particularly
15 note the panel did note that you've had no
16 indication of any substance abuse while
17 incarcerated and the panel noted that it's
18 available if you wanted it, particularly the
19 pruno. But you have shown signs of remorse.
20 You've indicated that you understand the nature
21 and magnitude of the offense, you've accepted
22 the responsibility for your criminal behavior
23 and you have a desire to change toward good
24 citizenship. These have been evidenced in
25 numerous psychological reports, counselors
26 reports, and also, for the record, the panel did
27 **MICHAEL JONES E-40401 DECISION PAGE 4 05/01/06**

1 read the letter of remorse that you prepared.
2 So far as your psychological report the panel
3 noted that the most recent report, which was
4 prepared by Dr. Macomber, which was dictated on
5 January 14, 2006 so it's a very, very recent
6 report, is favorable. Particularly that the
7 doctor noted that you have an excellent work
8 ethic, total sobriety, a good understanding of
9 the dangerousness of using alcohol and good
10 judgment. Also that you don't pose a risk to
11 society any greater than the average citizen.
12 And also that alcohol dependence was definitely
13 a significant risk factor in the committed
14 offense and if you went back to drinking your
15 risk level would increase. However, at this
16 point in your life this appears to have a very
17 low probability. And also that you are no
18 longer the irresponsible and immature, drunken
19 individual that you were at the time of the
20 commitment offense. And that you're likely to
21 maintain the gains that you have achieved when
22 released on parole and your prognosis for
23 success or adjustment to the community is
24 excellent. For the record, the panel also noted
25 but did not consider the report that was
26 prepared on October of 2005 by Dr. Marek. And
27 **MICHAEL JONES E-40401 DECISION PAGE 5 05/01/06**

1 there were two particular reasons. That there
2 were some significant gaps. It's almost as if
3 the report in some areas is incomplete, words
4 are missing. And of particular note is that the
5 report was neither signed by Dr. Marek or his
6 supervisor, Dr. Zika. So we wanted that in the
7 record. We also want to put on the record that
8 we did consider the letter from the District
9 Attorney's Office and unfortunately the letter
10 is not reflective of some current information
11 with respect to your programming and some of
12 your parole plans. The panel determined that
13 the base term of your confinement is as follows.
14 The base line offense of which the prisoner is
15 convicted is murder in the second degree with
16 the use of a firearm, Penal Code Section 187.
17 The offense occurred on May 20, 1989. The term
18 is derived from the matrix located in Title 15
19 and we chose 2403(c). It was a second-degree
20 murder, it was for an offense committed on or
21 after November 8, 1978, and the panel finds that
22 category 2-B is appropriate in that there was a
23 prior relationship between you and the victim
24 and it appears that death was almost immediate.
25 And for that the panel assesses 216 months for
26 the base offense and notes that this is middle

1 term. So far as the total term calculations.
2 The base term was 216 months. The adjustment
3 for the use of the weapon was six months,
4 bringing us to a total of 222 months. So far as
5 post-conviction credits. The post-conviction
6 credits were started on the date that the life
7 term, which was September 2, 1990, to today's
8 date which is May 1, 2006. Essentially 15-and-
9 a-half years of post-conviction credits totaling
10 62 months. And the post-conviction credits were
11 granted for each year that you did not have a
12 115 and you have had no 115s since your
13 incarceration. Bringing us to a total period of
14 confinement of 160 months. Special conditions
15 of parole. That you do not use or possess
16 alcoholic beverages. That you submit to alcohol
17 testing. That you participate in a substance
18 abuse program such as AA or NA. and in your
19 case the panel is recommending that you
20 participate in AA. And that you report to a
21 parole outpatient clinic for evaluation. The
22 panel also as a special condition is noting that
23 your parole plans, your primary parole plans for
24 housing and employment are in San Bernardino
25 County and the panel is authorizing parole to
26 San Bernardino County. So far as the reason for
27 **MICHAEL JONES E-40401 DECISION PAGE 7 05/01/06**

1 the imposition of the special conditions. It is
2 the relationship of alcohol to the commitment
3 offense. And with respect to the special
4 condition of parole to San Bernardino County,
5 it's where you have the most valid parole plans,
6 particularly with respect to the offers of
7 housing and employment from your cousin. As
8 I've indicated, this is a trip you're going to
9 start on right now. There's a lot of people
10 that are going to be reviewing this, up to and
11 including the Governor. You're going to need to
12 be especially good on your behavior between now
13 and when you get the word. There's some people
14 that may be jealous of what you've achieved and
15 I would encourage you to kind of just be a very
16 low profile individual. I think that's not
17 going to come difficult to you because you seem
18 to have done that since you've been in, avoiding
19 all of the difficulties oftentimes encountered
20 being incarcerated. Commissioner Blonien, any
21 comments?

22 **DEPUTY COMMISSIONER BLONIEN:** As we were
23 going through the hearing I noted that you were
24 a great worker. You are highly skilled, highly
25 motivated. I was very impressed that you had
26 crafted your self-help treatments with the

1 emphasis on anger management and your alcohol
2 problem, both which were your major problems
3 that allowed you to commit this horrible crime
4 and you have done numerous self-help in that
5 arena. Of your 14 college courses you took
6 you've got ten A's and four B's, which is very
7 impressive. In addition you did the 100 video,
8 self-help videos, educational videos. So that
9 is all very impressive. You know, you look at a
10 C File and you see one thing but you also
11 presented yourself extremely well and very
12 articulate today and I wish you the best of
13 luck.

14 **INMATE JONES:** Thank you. Thank you.

15 **PRESIDING COMMISSIONER GARNER:** Okay, the
16 time is now 3:25 p.m. and that concludes the
17 hearing. Good luck to you, Mr. Jones.

18 **INMATE JONES:** Thank you once again.
19 I'll make you proud, thank you.

20 **PRESIDING COMMISSIONER GARNER:** We always
21 say, don't let yourself down.

22 **--ooo--**

23 **PAROLE GRANTED**

24 **THIS DECISION WILL BE FINAL ON August 29, 2006**
25 **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT**
26 **DATE, THE DECISION IS MODIFIED.**

27 **MICHAEL JONES E-40401 DECISION PAGE 9 05/01/06**

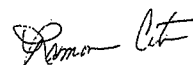
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DECLARATION OF TRANSCRIBER

I, RAMONA COTA, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - 67, and which recording was duly recorded at CORRECTIONAL TRAINING FACILITY, SOLEDAD, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of MICHAEL JONES, CDC NO. E-40401, on MAY 1, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

I hereby certify that I am a disinterested party in the above-mentioned matter and have no interest in the outcome of the hearing.

Dated May 31, 2006, at Sacramento County, California.

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